

ESTTA Tracking number: **ESTTA548057**

Filing date: **07/12/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	J-Lynn Entertainment, LLC
Granted to Date of previous extension	08/28/2013
Address	PO BOX 34269 Cleveland, OH 44134 UNITED STATES
Correspondence information	Neadom T Medina Member J-Lynn Entertainment, LLC PO BOX 34269 Cleveland, OH 44134 UNITED STATES tamar@j-lynnentertainment.com Phone:440-610-5827

Applicant Information

Application No	85785996	Publication date	04/30/2013
Opposition Filing Date	07/12/2013	Opposition Period Ends	08/28/2013
Applicant	Odonnell, William 7873 1/2 Myrtle Avenue Eureka, CA 955039516 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2007/06/21 First Use In Commerce: 2007/08/29

All goods and services in the class are opposed, namely: Combinations clothing, namely, tee shirts, sweatshirts, jackets, aprons, tank tops, long sleeve t-shirts, sweaters, baseball jerseys, polo shirts, muscle t-shirts, toddler t-shirts, and hooded shirts; headwear

Grounds for Opposition

Immoral or scandalous matter	Trademark Act section 2(a)
Deceptiveness	Trademark Act section 2(a)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85697835	Application Date	08/08/2012
Registration Date	NONE	Foreign Priority	NONE

		Date	
Word Mark	THE ADVENTURES OF SHADOW CAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Computer game software; Computer game software downloadable from a global computer network; Computer game software focusing on achieving a set of goals, positions, ownership, and credentials, and professional and social status, and good fortune necessary to succeed professionally and personally, and not referring either to a group of software for use in commerce or to a group of offices; Computer game software for personal computers and home video game consoles; Computer game software for use on mobile and cellular phones; Computer game software for use with personal computers, home video game consoles used with televisions and arcade-based video game consoles		
Related Proceedings	Cancellation Proceeding No. 92056491 for Registration No. 3682041		
Attachments	Notice_of_Opposition_Application_No.85785996_Adventures_of_Shadow.pdf(24279 bytes)		

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Neadom T Medina/
Name	Neadom T Medina
Date	07/12/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

Application No. 85785996

For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,

Opposer,

vs.

William T. Odonnell,

Applicant.

:
:
:
:
:
:
:
:
:
:

Opposition No.

NOTICE OF OPPOSITION

J-Lynn Entertainment LLC (“Opposer”) started receiving harassing and threatening messages between September and November of 2012 from William T. Odonnell (“Applicant”) that he would file lawsuits if we started to sell any video games using our mark filed for an intend to us basis called “The Adventures of Shadow Cat.” He also threatened to file lawsuits because we were selling and giving away t-shirts that said “The Adventures of Shadow Cat Video Game Comics” with our cartoon cat character. The applicant demanded we collect all shirts sold or given away and have them destroyed. Other demands from the applicant included we transfer our website domain names to the applicant. These messages were sent via email, Facebook posts on our company page, and voicemail and have been archived for this opposition.

The applicant also indicated he had used this same intimidation tactics against other people. This prompted us to hire an investigator from IP Cyber crime LLC and for us to do our own investigation. After reviewing the findings from both investigations with our attorneys, we found that the applicant’s current registration for his mark registration No. 3682041 was subject to cancellation due to fraud, non-use, and abandonment. We concurred that the Applicant has a disturbing obsession with his pet dog named “Shadow” and that the Applicant believes he has exclusive rights to the use of the word “Shadow” in relation to any animal causing him to harass and threaten to sue anyone using the combination of the words “Adventures” and “Shadow” in their trademarks, websites, or products.

We found no history or claims of the mark for shirts and clothing being sold in commerce of dating back to the applicants alleged first use in commerce on August 29th 2007. We also found the same to be true at the time of the applicant's filing date on November 22nd 2012. J-Lynn Entertainment LLC believes it will be damaged by the registration of the applicant's trademark and the filing to be fraudulent and that the hereby opposes the same.

As grounds for opposition it is alleged that:

1. William T. Odonnell ("Applicant") was not selling or had ever created shirts or clothing using his mark on the filing date of November 22, 2012 or in prior dates. We have evidence that we will submit to support this claim.
2. After performing the investigations, and William T. Odonnell ("Applicant") stating to us that he had accumulated \$10,000 in debt in veterinarian bills from his dog and that he would sue us. We believe the sole motivation for the Applicant filing for the mark was to strengthen his case in trying to file a lawsuit, and that he had no prior intention or motivation to sell clothing using his mark. We have evidence and the emails received from the Applicant that supports this claim.
3. Since we started selling and giving away shirts using our mark "The Adventures of Shadow Cat" in August of 2012. We believe that another motivation for the Applicant filling the application is to strengthen a case for opposition of our mark "The Adventures of Shadow Cat" for computer software and when we file the mark for clothing.

Respectfully submitted on July 12th, 2013

J-Lynn Entertainment, LLC
/Neadom T Medina/
Neadom T Medina
PO Box 34269
Cleveland, OH
440-610-5827
tamar@j-lynnentertainment.com
Petitioner

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Application No. 85785996
For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,

Opposer,

vs.

William T. Odonnell,

Registrant.

:
:
:
:
:
:
:
:
:
:

Opposition No.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I respectfully submitted a copy on this July 12th 2013, to be served,
via first class mail, postage prepaid, upon:

William T. Odonnell
7873 ½ Myrtle Ave
Eureka, CA 95503-9516

/Neadom T Medina/
Neadom T Medina

Member
J-Lynn Entertainment, LLC
PO Box 34269
Cleveland, OH 44134